

Civil Writ Petition No.12298 of 2001

--1--

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12298 of 2001

Date of decision: 26.10.2006

Smt. Sharda Arora

..... Petitioner.

Versus

Chandigarh Administration and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE P.S. PATWALIA

Present:- Mr. O.P. Goyal, Advocate
for the petitioner.

Mr. Anupam Gupta, Advocate
for the respondents.

P.S. PATWALIA, J. (ORAL)

While this case came up for hearing on 28.08.2006 the following order was passed:-

“Learned counsel for the petitioner argues that he has stated in para 10 of the present miscellaneous application that he had made an application to the Estate Officer for now sanctioning the site plan for additional area as per the amendment bye-laws. Petitioner further states that she is willing to pay whatever compounding fee is payable as per the bye-laws. Leaned counsel for the respondents however states that he has no instruction of any such application having been made.

Without going into this controversy, learned counsel for the parties are agreed that if the petitioner now makes an application within a period of two weeks from today, the respondent would consider it as per the existing by laws within four weeks thereafter.

Let this application be listed for hearing on 12.10.2006.”

Mr. Gupta learned counsel for the respondents states that on consideration of the application filed by the petitioner the Revised Building Plan submitted by the petitioner has been sanctioned. He further states that all the violations in the building which were earlier existing and noted in the order dated 31.07.1998 resuming the site and ordering forfeiture have since been compounded on payment of compounding fee. The Revised Building Plan now sanctioned on 23.10.2006 has been produced before this Court.

In view of the above and since the resumption of the site had been ordered only on account of unauthorized construction, which has since been compounded the resumption order can no longer stand. Order Annexure P1 ordering resumption and subsequent orders passed in appeal and revision are therefore set aside.

The writ petition is allowed in the aforementioned terms.

October 26, 2006
dinesh

(P.S. PATWALIA)
JUDGE